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OFFICE OF PETITIONS

In re Application of
Hans-Peter Call
Application No. 09/446,373
Filed: July 11, 2000
Attorney Docket No. 21373.003

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ON PETITION

This is a decision on the petition filed on May 18, 2004, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed October 25, 2002. This Office action set a shortened statutory period for reply of three (3) months. On April 25, 2002, applicant filed an amendment, made timely by obtaining a three month extension of time. However, the amendment failed to place the application in condition for allowance. Accordingly, the application became abandoned on April 26, 2002. A Notice of Abandonment was mailed on May 20, 2003. Applicant submitted a Notice of Appeal on November 19, 2003. However, the Notice of Appeal was defective for two reasons. First, the application was in abandoned status, and applicant had not filed a grantable petition to revive. Second, the Notice of Appeal was not accompanied by the proper fee. At that time, the fee for the filing of a Notice of Appeal was \$165 for a small entity - applicant had only submitted \$160.

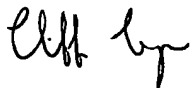
With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and filed the remaining \$5 balance due for the Notice of Appeal submitted on November 19, 2003.

The \$665 petition fee and the \$5 balance for the Notice of Appeal have been charged to applicant's credit card, as authorized.

Please be advised that the two month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c) - currently \$165 for a small entity) runs from the date of this decision.

The application file is being returned to Group Art Unit 1651 to await for applicant's submission of the appeal brief in triplicate.

Telephone inquiries specific to this decision should be directed to the undersigned at (703)305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions